REMARKS

Claims 1 and 3-29 are pending in this application. By this Amendment, claims 1, 3 and 29 have been amended and claim 2 has been cancelled without prejudice to or disclaimer of the subject matter contained therein.

Applicants filed an Information Disclosure Statement on May 20, 2002 forwarding eight references to the U.S. Patent and Trademark Office. Applicants have not yet received an initialed Form PTO-1449 indicating consideration of the references. The Examiner is respectfully requested to contact the undersigned if he is unable to locate that Information Disclosure Statement.

Applicants appreciate the indication of allowability for claims 5-10. However, for the reasons discussed below, Applicants assert that all of claims 1 and 3-29 are allowable.

Claims 1-4 and 11-29 were rejected under 35 U.S.C. §103(a) over Koide et al. (Koide), U. S. Patent No. 5,934,395 in view of Tsuzuki et al. (Tsuzuki), U. S. Patent No. 6,018,198. The rejection is respectfully traversed.

Koide and Tsuzuki fail to disclose or suggest a drive apparatus with a control unit that causes the first electric motor to output a torque short of a torque necessary for running the engine continuously as recited in claim 1 and as similarly recited in claim 29.

As admitted on page 2 of the Office Action, Koide fails to perform prepositioning control for controlling the electric motor so that the engine is positioned at a predetermined crankshaft position when stopped. Naturally, Applicants assert that Koide further fails to disclose a control unit that controls Applicants' first electric motor as further recited in claims 1 and 29. Tsuzuki fails to overcome the deficiencies of Koide.

Tsuzuki discloses a hybrid drive apparatus that is capable of making a cranking characteristic at the restart of the engine constant (col. 2, lines 33-36). Tsuzuki accomplishes this by making a standby control means perform a control to revolve the engine to a cranking

start position prior to the start of the engine (col. 5, lines 6-9). The standby control means incorporates standby pressure control means for controlling a clutch pressure such that the capacity of the torque transmitted by the clutch becomes a capacity that allows the engine to revolve to the cranking start position (col. 5, lines 13-17). However, Tsuzuki only performs this prepositioning control with the clutch pressure when the engine is stopped and only power from the motor generator is transmitted to the wheels.

In other words, Tsuzuki suffers deficiencies in that clutch pressure for the prepositioning control can only be controlled while the motor generator is operating (i.e., when the vehicle is not stopped). Prepositioning control can not be performed in Tsuzuki, and thus cranking shock can not be reduced when the engine is started, when the vehicle is stopped. Conversely, Applicants' claims 1 and 29 can perform prepositioning control, and cranking shock caused by the starting of the engine can thus be reduced, even when the vehicle is stopped. The prepositioning control can be performed by causing the first electric motor to output a torque short of a torque necessary for running the engine continuously as recited in claims 1 and 29. Also, Applicants' engine can stop at a predetermined crank shaft position without using a sensor to detect the crank shaft position.

Accordingly, neither Koide nor Tsuzuki disclose or suggest the features recited in Applicants' claims 1 and 29. In addition, claims 3, 4, and 11-28 recite additional features of the invention and are also believed to be allowable at least for the reasons discussed above with respect to claim 1 and for the additional features recited therein. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-29 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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